

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

129P0429

## SENATE BILL NO. 86

Introduced by: Senators Smidt (Orville), Bartling, and Hunhoff and Representatives Glenski, Pitts, and Tidemann

1 FOR AN ACT ENTITLED, An Act to prohibit and establish a penalty for hazing.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. For purposes of this Act, the term, hazing, means any activity by which a person  
4 intentionally or recklessly endangers the physical or mental health or safety of an individual for  
5 the purpose of initiation into, admission into, affiliation with, or continued membership with  
6 any organization or group. Hazing activity includes whipping; beating; branding; forced and  
7 prolonged calisthenics or physical activity; prolonged exposure to the elements; forced  
8 consumption of any food, liquor, beverage, drug, or other substance; prolonged sleep  
9 deprivation; or any brutal treatment or the performance of any unlawful act that endangers the  
10 physical or mental health or safety of any person.

11 Section 2. It is unlawful to commit the offense of hazing. Notwithstanding any provisions  
12 to the contrary, consent is not a defense to a prosecution pursuant to this Act. Any person who  
13 commits the offense of hazing is guilty of a Class 2 misdemeanor. If the offense results in  
14 physical injury, the offense is a Class 1 misdemeanor.

